

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

*The City of New York v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 04-CV-06054

*County of Albany v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0425

*County of Allegany v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-0236

*County of Broome v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00456

*County of Cattaraugus v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-0256

*County of Cayuga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0423

*County of Chautauqua v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-0214

*County of Chenango v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0354

*County of Fulton v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0519

*County of Genesee v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-00267

*County of Greene v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0474

*County of Herkimer v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00415

*County of Jefferson v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0715

*County of Madison v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0714

*County of Monroe v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-1648

*County of Niagara v. Abbott Laboratories, Inc., et al.*

**September 1, 2005**

**STATUS REPORT FOR  
THE CITY OF NEW YORK  
AND CAPTIONED NEW  
YORK COUNTIES**

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W.D.N.Y. Case No. 05-CV-6296

*County of Oneida v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0489

*County of Onondaga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0088

*County of Putnam v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 05-CV-4748

*County of Rensselaer v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00422

*County of Rockland v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-7055

*County of St. Lawrence v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0479

*County of Saratoga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0478

*County of Steuben v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6223

*County of Suffolk v. Abbott Laboratories, Inc., et al.*  
E.D.N.Y. Case No. 03-CV-12257

*County of Tompkins v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0397

*County of Warrren v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0468

*County of Washington v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0408

*County of Wayne v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6138

*County of Westchester v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-6178

*County of Yates v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-06172

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The undersigned counsel for the Captioned-plaintiffs (hereinafter referred to as the "City of New York and Captioned New York Counties") hereby submit the attached status report to the Court in accordance with the Court's June 17, 2004 Procedural Order.

Dated: September 1, 2005 New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala

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**COUNSEL FOR CITY OF NEW YORK AND  
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## **MDL 1456 Status Report for the City of New York and Captioned New York Counties**

### **Consolidated Complaint**

On August 16, 2005, Foley Hoag, LLP filed on behalf of defendants a Motion to Compel Disclosure by Plaintiff's and for Extension of Time to Comply with July 8, 2005 order. The Motion hearing is set for September 19, 2005 at 11:00 am before Magistrate Bowler.

### **Subsequent Filings**

The following New York Counties, represented by Kirby, McInerney & Squire, LLP, have filed complaints in their respective United States District Courts. A transfer order bringing these actions to the MDL has not yet issued, but is expected in the near future. These counties are joining in the Consolidated Complaint for all purposes:

- Schuyler County: Filed 7/27/05 W.D.N.Y. Case No. 05-cv-6387.
- Dutchess County: Filed 7/15/05 S.D.N.Y. Case No. 05-cv-6458.
- Essex County: Filed 7/14/05 N.D.N.Y. Case No. 05-cv-0878.
- Cortland County: Filed 7/14/05 N.D.N.Y. Case No. 05-cv-0881.
- Columbia County: Filed 7/18/05 N.D.N.Y. Case No. 05-cv-0867.
- Lewis County: Filed 7/6/05 N.D.N.Y. Case No. 05-cv-0839
- Ontario County: Filed 7/18/05 W.D.N.Y. Case No. 05-cv-6373
- Orleans County: Filed 7/18/05 W.D.N.Y. Case No. 05-cv-6371
- Putnam County: Filed 6/16/05 S.D.N.Y. Case No. 05-cv-4740
- Seneca County: Filed 7/15/05 W.D.N.Y. Case No. 05-cv-6371

**Anticipated Filings**

The City of New York and Captioned New York Counties are conferring with defense counsel regarding entry of a case management order and will file either such a joint order, or an individual motion requesting a Status Conference and the entry of a Case Management Order, on or before September 14<sup>th</sup>, 2005.

**Certificate of Service**

I certify that on September 1, 2005 a true and correct copy of the foregoing September 1, 2005 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/Michael B. Coons  
Michael B. Coons